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POLICY STATEMENT

Employees have a professional responsibility to provide appropriate services and supports to ~~consumers~~people. These services and supports should be provided in a way that is as least restrictive as possible, and which does not generate conflicts of interest for employees or unreasonable expectations for ~~consumers~~people. Employees have a responsibility to treat all consumers fairly and to avoid actual and apparent conflicts of interest or unfair discrimination between ~~consumers~~people. It is the policy of the South Carolina Department of Disabilities and Special Needs (DDSN) that DDSN/provider employees may not engage in dual relationships with ~~consumers~~people. Dual relationships may violate the Omnibus Adult Protection Act.

DEFINITIONS

For the purposes of this policy, dual relationships are defined as situations in which employees and ~~consumers~~people simultaneously maintain a DDSN/provider related relationship and an outside relationship that presents a conflict of interest. A DDSN/provider relationship and an outside relationship shall be considered to be a conflict of interest whenever the employee has a role as the provider or supervisor of services to the ~~consumer~~person that involves access to information about or the exertion of control over the provision of services.

Employees who have a DDSN/provider related role as the provider or supervisor of services to a ~~consumer-person~~ that involves access to information about or the exertion of control over the provision of services must not:

- Engage in sexual or romantic relationships with ~~consumers people~~.
- Engage in business dealings with ~~consumers-people~~ that would benefit the employee.
- Allow/encourage ~~consumerspeople~~ to perform work that benefits the employee.
- Influence the civic dealings of the ~~consumerperson~~ (e.g., how to vote; what organizations to join).

Examples of this are not limited to employees who provide direct services, but also include supervisory jobs and jobs in support services.

It is not the intent of this policy to unreasonably further restrict the already diminished opportunities for social interaction and normalization that many ~~consumers-people~~ face. For example, it may still be appropriate for a consumer to visit the home of an employee for a discrete period of time if appropriate checks and balances are in place.

RATIONALE

Engaging in dual relationships is dangerous because of the conflict of interest that may develop out of a dual relationship which can:

- Result in a loss of objectivity on the part of the employee.
- Create the opportunity for unfair gain on the part of the employee.
- Introduce a double standard in the provision of services to a group of ~~consumers people~~.
- Create a situation in which ~~consumers-people~~ may think that they will receive special treatment.
- Create pressure on ~~consumers-people~~ to act in accordance with a particular employee's wishes.

SAFEGUARDS

Whenever employees engage in interactions/activities that may present the question of a dual relationship, they must do so only under the following conditions:

- As part of the ~~consumer's persons~~ plan.
- With the advance approval of their ~~supervisor~~ Executive Director/Chief Executive Officer/Facility Administrator/State Director based on the setting of employment.
- With the ~~consumer's person's~~ voluntary consent (and the consent of any guardian).
- Followed by documentation of the event in the ~~consumer's person's~~ record.

An additional issue that needs to be clear is whether the employee is acting as a volunteer, or if the time spent with the ~~consumer-person~~ is actually "on the clock." This clarification has ramifications for an employee's over-time hours calculation, as well as in the event of an

employee injury and Worker's Compensation claim. If the employee is acting as a private citizen, then they will be processed through the provider's or DDSN Regional Center's Volunteers Program as a volunteer.

In the event that an outside relationship exists prior to the development of a provider relationship that would create a conflict (such as family members accessing provider services), the provider will make an effort to provide alternative staffing arrangements to avoid the creation of a dual relationship. ~~The Staff~~ person-member shall bring the issue to the attention of his/her supervisor.

In the event that a staff person-member who already has a provider relationship with a ~~consumer~~ person identifies the potential for an outside relationship to develop, it is the responsibility of the employee to avoid the creation of the outside relationship. The employee shall inform his/her supervisor and discuss the possibility of ~~consumer~~ the person's reassignment.

Consideration should be given to avoiding potential situations creating a conflict of interest in which the person supported would not feel empowered to exercise making a decision to choose a new provider.

When doubt exists regarding the nature of existing or potential relationships with regard to their classification as dual relationships, or the manner in which dual relationships can be avoided, staff shall seek guidance from their ~~supervisors~~ Executive Director/Chief Executive Officer/Facility Administrator/State Director based on the setting of employment.

DDSN requires all employees act consistently with the Code of Ethics of his/her profession or licensing board with regard to the issue of dual relationships.

~~Robin Blackwood~~ Barry D. Malphrus
Vice-Chairman

Gary C. Lemel
Chairman

Related Directive:

735-02-DD: Relatives/Family Members Serving As Paid Caregivers of Respite Services